

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF PROPOSED
12.11.501 and the adoption of New Rule	)	AMENDMENT AND ADOPTION
I pertaining to recreational use on Silver	)	
Lake in Deer Lodge County	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On August 14, 2015, the Fish and Wildlife Commission (commission) proposes to amend and adopt the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on May 29, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) through (96) remain the same.

(97) Silver Lake [NEW RULE I]

(97) through (114) remain the same but are renumbered (98) through (115).

AUTH: 23-1-106, 87-1-301, 87-1-303, MCA

IMP: 23-1-106, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

NEW RULE I SILVER LAKE (1) Silver Lake is located in Deer Lodge County.

(2) The water within 100 feet of the intake structure is closed to all boating, sailing, floating, and swimming. The closed water will be identified and delineated by buoys or signs.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: Butte-Silver Bow County submitted a petition requesting the commission

adopt a rule restricting all watercraft on Silver Lake to a no wake speed and the commission proposed recreational use rules on January 29, 2015. On April 15, 2015, the commission voted to not adopt the rule because it was overly restrictive and unwarranted. The commission is proposing a rule that addresses Butte-Silver Bow County's concerns about safety around the intake structure but allows various recreational uses on the lake. Acquisition, placement, and maintenance of buoys or signs identifying the closed area are the responsibility of Butte-Silver Bow County.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action to Sharon Rose, Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail [shrose@mt.gov](mailto:shrose@mt.gov), and must be received no later than June 12, 2015.

6. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Sharon Rose at the above address no later than 5:00 p.m., May 29, 2015.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of people who may recreate on Silver Lake in Montana.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site

may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Dan Vermillion

Dan Vermillion, Chairman  
Fish and Wildlife Commission

/s/ William Schenk

William Schenk  
Rule Reviewer

Certified to the Secretary of State May 4, 2015.